THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.23407 of 2005

Date:08.11.2005

Mubeen Sultana.

--------PETITIONER

APSRTC, Rep. by its Managing Director, Musheerabad,

Hyderabad and others.

---------RESPONDENTS

ORDER:

The petitioner claims that she is the wife of one late Md.Asfaq Ali, who died as Assistant Depot Clerk of Adilabad Depot of A.P.S.R.T.C. She states that she has been extended certain benefits, on account of the death of her husband, but in relation to certain other benefits, the 3rd respondent is insisting on production of Succession Certificate. The petitioner contends that though the respondents do not have the objection for payment of these benefits, they are not extending the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for APSRTC.

Whatever may have been the circumstances, under which the benefits were extended to the family of the deceased-employee without insisting on production of the Succession Certificate, statutory benefits, such as gratuity, cannot be paid to any individual, unless he/she is certified to be the successor, by a competent Court of law. Any amount of assertion by the petitioner that she alone succeeded to the deceased-employee and that there are no other

successors to him, will not be of any use, in the teeth of the requirement of law. Therefore, no exception can be taken to the insistence of the 3rd respondent requiring the petitioner, to produce the Succession Certificate.

Another grievance of the petitioner is that the 3rd respondent is not furnishing the exact amount, which is payable towards the death benefits of late Md.Ashfaq Ali, and that unless it is stipulated, it would be difficult for her to make appropriate claim before the Civil Court. This grievance of the petitioner can be attended to, by requiring the 3rd respondent to furnish the particulars.

For the foregoing reasons, the Writ Petition is disposed of, leaving it open to the petitioner to obtain Succession Certificate from the competent Court of law, and directing the 3rd respondent to furnish the particulars of the amounts payable towards the death benefits of late Md.Ashfaq Ali to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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08.11.2005

Note: Issue C.C. in two days.

(B/o)

Jsu